

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Roberto GOMEZ-Mireles,

Defendant

Magistrate Docket No.


COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:


On or about **February 1, 2008**, within the Southern District of California, defendant, **Roberto GOMEZ-Mireles**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **4th** DAY OF **FEBRUARY 2008**.



Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Roberto GOMEZ-Mireles

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On February 1, 2008, Border Patrol Agent D. Sanchez was performing line-watch duties in an area known as the "39 Bowl". At approximately 12:30 P.M. Agent Sanchez responded to a sensor activation near that area. The "39 Bowl" is approximately 3 miles west of the San Ysidro, California Port of Entry and about 80 yards north of the International Boundary fence between the United States and Mexico. Illegal aliens trying to further their illegal entry into the United States commonly use this area. At approximately 12:35 P.M., Agent Sanchez arrived north of the "39 Bowl" and encountered three individuals running north towards his location. Agent Sanchez immediately identified himself as a United States Border Patrol Agent and commanded them to stop. Agent Sanchez then questioned each individual as to their citizenship and nationality. All of the individuals, including one later identified as the defendant **Roberto GOMEZ-Mireles**, freely admitted to being citizens and nationals of Mexico in the United States illegally without immigration documents. The three individuals were arrested and transported to the Imperial Beach Border Patrol station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **October 19, 2007**, through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights and stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on February 2, 2008 at 10:00 a.m.


Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **February 1, 2008**, in violation of Title 8, United States Code, Section 1326.


Ruben B. Brooks
United States Magistrate Judge

2/2/2008 at 12:20 p.m.
Date/Time